

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

R. ALEXANDER ACOSTA, Secretary of)
Labor, United States Department Of Labor,)
Plaintiff,)
v.)
FIRST BANKERS TRUST SERVICES,)
INC., TOMMY A. HARMON, FREDERICK)
FRITZ, SONNAX INDUSTRIES, INC., and)
the SONNAX INDUSTRIES, INC.)
EMPLOYEE STOCK OWNERSHIP PLAN,)
Defendants.)
Civil Action No. 5:16-cv-00328-GWC

STIPULATED MOTION TO STAY PENDING SETTLEMENT

Now come Plaintiff R. Alexander Acosta, Secretary of Labor, and Defendants First Bankers Trust Services, Tommy A. Harmon, Frederick Fritz, Sonnax Industries, Inc. and the Sonnax Industries Inc. Employee Stock Ownership Plan, by and through their undersigned attorneys, and submit this Stipulated Motion to Stay Pending Settlement. In support of this stipulated motion, the parties state as follows:

1. The above-referenced parties participated in an ENE session with ENE Evaluator Robert Meyer on November 17, 2017. As a result of that mediation, a settlement contingent upon certain events occurring among all the parties was reached that would resolve the case with prejudice without further litigation.

2. The settlement is conditioned upon a contingent event which is highly likely to occur, but which is not certain to occur. This contingent event will occur, if it occurs, within the next 90 to 120 days. If the contingent event does not occur, the parties anticipate continuing to litigate the case as the settlement terms will not be agreeable to all parties under those circumstances.

3. Accordingly, the parties respectfully request that the Court stay the current action for 120 days. The parties will file a Consent Judgment, or the contingent event will not have occurred in which case the parties will submit a stipulated motion to the Court to lift the stay and will submit a revised discovery schedule to prepare the case for trial.

4. The parties are happy to participate in a conference call with the Court to inform the Court further about the nature of the settlement issues in the case if the Court wishes. The parties anticipate this call would take approximately 15 minutes.

WHEREFORE,

The parties respectfully request that the Court grant this Stipulated Motion to Stay Pending Settlement and stay these proceedings for 120 days for the reasons set forth above.

Dated at Burlington, Vermont this 22nd day of November, 2017.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC

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INDUSTRIES, INC. EMPLOYEE STOCK
OWNERSHIP PLAN

R. ALEXANDER ACOSTA, U.S.
SECRETARY OF LABOR

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FIRST BANKERS TRUST
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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2017, I filed the foregoing document with the Clerk of Court via the CM/ECF system, which will which will send notification of such filing to all counsel of record.

/s/ Tristram J. Coffin

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